

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH WATSON,

Plaintiff,

v.

JOHN E. WETZEL, Secretary of
DOC; DORINA VARNER, Chief
Grievance Officer; GERALD
ROZUM, Superintendent at SCI
Somerset; JOSEPH, Assistant to the
Superintendent at SCI Somerset;
DAVID HUNTER, Unit Manager at
SCI Somerset; DAVID ONSTEAD,
Unit Manager at SCI Somerset; JACK
LOUGHRY, Business Manager at SCI
Somerset; SUSAN DORR, Mailroom
Supervisor for SCI Somerset and SCI
Laurel Highlands; and DELORES
CHANEY, Administrative for SCI
Somerset and SCI Laurel Highlands,

Defendants.

Civil Action No. 11-281J

District Judge Kim R. Gibson
Chief Magistrate Judge Lisa Pupo Lenihan

MEMORANDUM ORDER

This case is before the Court on the Report and Recommendation filed by Chief Magistrate Judge Lisa Pupo Lenihan on January 9, 2013. (ECF No. 31.) Judge Lenihan recommended that Defendants' Motion to Dismiss (ECF No. 24) be granted in part and denied in part. Specifically, it was recommended that Plaintiff's Complaint be dismissed in its entirety with the exception of Plaintiff's Eighth Amendment and retaliation claims regarding the denial of personal hygiene products against Defendants Onstead and Hunter. It was further

recommended that Plaintiff not be permitted to amend his Complaint because granting him leave to do so would be futile.

The parties were served with the Report and Recommendation and informed that they had until January 28, 2013, to file written objections. As of the date of this Order, however, no objections have been filed by either party. As such, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 8th day of February, 2013,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 24) is granted in part and denied in part. Plaintiff's Complaint is dismissed with prejudice in its entirety with the exception of his Eighth Amendment and retaliation claims regarding the denial of personal hygiene products against Defendants Onstead and Hunter.

IT IS FURTHER ORDERED that Plaintiff is not permitted to amend his Complaint as it is clear that granting him leave to do so would be futile.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 31) dated January 9, 2013, is **ADOPTED** as the opinion of the Court.

AND IT IS FURTHER ORDERED that this matter is remanded back to Magistrate Judge Lenihan for all further pretrial proceedings.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Joseph Watson
EF-9383
SCI Somerset
11600 Walters Mill Road
Somerset, PA 15510-0001
Via U.S. Postal Mail

Counsel of Record
Via ECF Electronic Mail